

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHELLE MACHUCA, :
Plaintiffs, :
-against- : 20 Civ. 6027
COMMISSIONER OF SOCIAL SECURITY, :
Defendant. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 14, 2022, Plaintiff's counsel filed a motion for attorneys' fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C § 2412(d), requesting fees in the amount of \$7,745.40 -- the sum of 35.3 hours billed at \$218.00 per hour and .5 hours billed at \$100.00 per hour;

WHEREAS, eligibility for a fee award under the Equal Access to Justice Act requires: "(1) that the claimant be a 'prevailing party'; (2) that the Government's position was not 'substantially justified'; (3) that no 'special circumstances make an award unjust'; and, (4) pursuant to 28 U.S.C. § 2412(d)(1)(B), that any fee application be submitted to the court within 30 days of final judgment in the action and be supported by an itemized statement." *Comm'r v. Jean*, 496 U.S. 154, 158 (1990); *accord Vellone o/b/o Vellone v. Kijakazi*, No. 20 Civ. 261, 2022 WL 276842, at *2 (S.D.N.Y. Jan. 31, 2022);

WHEREAS, Plaintiff's counsel's memorandum of law and affidavits substantially support that all four requirements of 28 U.S.C. § 2412(d)(1) are met;

WHEREAS, by the Order dated March 1, 2022, the Government was required to file any response by March 11, 2022;

WHEREAS, the Government has not filed any response;

WHEREAS, other courts in this district have held similar wage rates and reported hours to be reasonable. *See, e.g., Cantos v. Comm'r of Soc. Sec.*, No. 19 Civ. 04269, 2022 WL 328606, at *2 (S.D.N.Y. Feb. 3, 2022); *Vellone o/b/o Vellone*, 2022 WL 276842, at *2. It is hereby

ORDERED that the Plaintiff's motion for attorneys' fees is **GRANTED**.

Dated: March 17, 2022
New York, New York


LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE